

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

1/23/04

Date of Deposit

K. Shannon Mrksich

Name of Applicant, Assignee or  
Registered Representative

S. Mrksich

Signature

1/24/04

Date of Signature

Our Case No.: 12289/3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Matsuda et al.

Serial No.: 10/675,254

Filing Date: September 30, 2003

For: SYSTEM AND METHOD FOR  
INJECTING LIQUID DRUG  
CONTAINING BIOLOGICAL  
MATERIAL

Examiner: To be Assigned

Group Art Unit No.: 1615

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and

made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

No.	Date	Name
5,354,279	10/11/1994	Hofling
5,419,777	5/30/1995	Hofling
6,231,587 B1	3/15/2001	Makower et al.
6,302,875 B1	10/16/2001	Makower et al.
6,375,615 B1	4/23/2002	Flaherty et al.
6,379,319 B1	4/30/2002	Garibotto et al.
2002/0111603 A1	8/15/2002	Cheikh

### FOREIGN PATENT PUBLICATIONS

DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY
EP 0 818 208 A2 ✓	1/14/1998	Europe
EP 0 908 194 A2 ✓	4/14/1999	Europe
EP 0 962 191 A1 ✓	12/8/1999	Europe
07265420 A ✓	10/17/1995	Japan
08150206 A ✓	6/11/1996	Japan
2001104487 A ✓	4/17/2001	Japan
2001299927 A ✓	10/30/2001	Japan
WO 97/13463 ✓	4/17/1997	WIPO
WO 97/13471 ✓	4/17/1997	WIPO
WO 97/27893 ✓	8/7/1997	WIPO
WO 97/27897 ✓	8/7/1997	WIPO
WO 97/27898 ✓	8/7/1997	WIPO
WO 98/08456 ✓	3/5/1998	WIPO
WO 98/46115 ✓	10/22/1998	WIPO
WO 98/46119 ✓	10/22/1998	WIPO
WO 99/21490 ✓	5/6/1999	WIPO
WO 99/25273 ✓	5/27/1999	WIPO
WO 99/39624 ✓	8/12/1999	WIPO
WO 99/48545 ✓	9/30/1999	WIPO
WO 99/49793 ✓	10/7/1999	WIPO
WO 99/49910 ✓	10/7/1999	WIPO
WO 99/51162 ✓	10/14/1999	WIPO
WO 00/07530 ✓	2/17/2000	WIPO



FORM PTO-1449	SERIAL NO. 10/675,254	CASE NO. 12289/3
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 30, 2003	GROUP ART UNIT 1615
(use several sheets if necessary)	APPLICANT(S): Matsuda et al.	

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

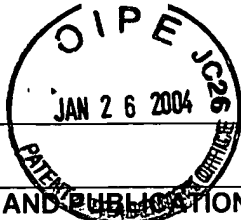
EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	5,354,279	10/11/1994	Hofling		
	A2	5,419,777	5/30/1995	Hofling		
	A3	6,231,587 B1	3/15/2001	Makower et al.		
	A4	6,302,875 B1	10/16/2001	Makower et al.		
	A5	6,375,615 B1	4/23/2002	Flaherty et al.		
	A6	6,379,319 B1	4/30/2002	Garibotto et al.		
	A7	2002/0111603 A1	8/15/2002	Cheikh		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A8	EP 0 818 208 A2	1/14/1998	Europe		
	A9	EP 0 908 194 A2	4/14/1999	Europe		
	A10	EP 0 962 191 A1	12/8/1999	Europe		
	A11	07265420 A	10/17/1995	Japan		
	A12	08150206 A	6/11/1996	Japan		
	A13	2001299927 A	10/30/2001	Japan		
	A14	2001104487 A	4/17/2002	Japan		
	A15	WO 97/13463	4/17/1997	WIPO		
	A16	WO 97/13471	4/17/1997	WIPO		
	A17	WO 97/27893	8/7/1997	WIPO		
	A18	WO 97/27897	8/7/1997	WIPO		
	A19	WO 97/27898	8/7/1997	WIPO		
	A20	WO 98/08456	3/5/1998	WIPO		
	A21	WO 98/46115	10/22/1998	WIPO		
	A22	WO 98/46119	10/22/1998	WIPO		
	A23	WO 99/21490	5/6/1999	WIPO		
	A24	WO 99/25273	5/27/1999	WIPO		
	A25	WO 99/39624	8/12/1999	WIPO		
	A26	WO 99/48545	9/30/1999	WIPO		
	A27	WO 99/49793	10/7/1999	WIPO		
	A28	WO 99/49910	10/7/1999	WIPO		
	A29	WO 99/51162	10/14/1999	WIPO		
	A30	WO 00/07530	2/17/2000	WIPO		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449	SERIAL NO. 10/675,254	CASE NO. 12289/3
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE September 30, 2003	GROUP ART UNIT 1615
(use several sheets if necessary)		APPLICANT(S): Matsuda et al.

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A31	Sherman, Warren, "Cellular Therapy for Chronic Myocardial Disease: Nosurgical Approaches", <i>The Cardiovascular Institute</i> , 13(1), pp. 12-14, 2003.
	A32	Thompson, Craig A. et al., "Percutaneous Transvenous Cellular Cardiomyoplasty", <i>Journal of the American College of Cardiology Foundation</i> , Vol. 41, No. 11, pp. 1964-1971, 2003.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

### **OTHER DOCUMENTS**

1. Sherman, Warren, "Cellular Therapy for Chronic Myocardial Disease: Nosurgical Approaches", *The Cardiovascular Institute*, 13(1), pp. 12-14, 2003.
2. Thompson, Craig A. et al., "Percutaneous Transvenous Cellular Cardiomyoplasty", *Journal of the American College of Cardiology Foundation*, Vol. 41, No. 11, pp. 1964-1971, 2003.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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K. Shannon Mrksich, Ph.D.  
Registration No. 36,675  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



TRANSMITTAL LETTER			Case No. 12289/3
Serial No. 10/675,254	Filing Date September 30, 2003	Examiner To be Assigned	Group Art Unit 1615
Inventor(s) Matsuda et al.			
Title of Invention SYSTEM AND METHOD FOR INJECTING LIQUID DRUG CONTAINING BIOLOGICAL MATERIAL			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an Information Disclosure Statement; Form PTO-1449; 32 cited references and return postcard.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

					Small Entity		Other Than Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Shannon Mrksich  
K. Shannon Mrksich, Ph.D.  
Registration No. 36,675  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 1/23/04

Date: 1/23/04 Signature: S. Mrksich